SECTION 8-03-001-0004 REMOVAL OF SNOW AND/OR ICE:

- A. Deposit on Public Thoroughfares: It shall be unlawful for any person within the corporate limits of the City to remove or cause to be removed any snow or ice from any private property within said City and place or deposit same upon a public street, avenue, alley or sidewalk within the City.
- B. Removal Required: The owner, occupant, tenant or person having the care of any building or lot or parcel of land bordering on any street, avenue, alley, square or other public place within the City shall at all times keep the sidewalks, curbs, and ramps leading into crosswalks abutting upon or adjacent to the lot or lots owned or occupied by them free and clear of snow, ice, dirt or other obstruction. Any such owner or occupant who fails to remove the snow, ice, dirt or other obstruction from the sidewalks within twenty four (24) hours after the accumulation of snow and ice shall be deemed guilty of a misdemeanor. The removal of snow and ice shall mean free of snow and ice for the entire constructed width and length of the sidewalk. The accumulation may be from any source, including snow plows, traffic, precipitation, or drifting. (Amended Ord. No. 2008-31, 11/04/2008)
- C. Noncompliance: Should any owner or occupant of any building, grounds or premises within the City fail, neglect or refuse to remove from the sidewalk adjacent thereto, within twenty four (24) hours after written notice from the Public Works Director or designee all accumulations of snow, ice or other obstruction from the entire constructed width and length of the sidewalk, including tops of curbs and clear passage of sidewalk ADA ramps leading to crosswalks, then the Public Works Director or designee is authorized to remove such snow, ice or other obstruction at the expense of such owner or occupant. In the event of such removal, the Public Works Director or designee shall prepare a bill for the actual costs of removal of snow, ice, dirt or other obstruction, including the actual costs of any additional inspection and other incidental connected costs. The statement shall inform the owner or occupant that failure to pay the bill will result in a lien against the property. If the actual costs are not paid by the owner or occupant within ten (10) calendar days after receipt of the bill, the bill shall be collectible from the person or persons owning or occupying such building, grounds or premises. (Amended Ord. No. 2008-31, 11/04/2008)
- D. Hearing Procedure: An owner or occupant from whom a bill for snow removal costs is collectible, as set forth above, may request an administrative hearing with regard to the bill under the procedures which follow.
 - 1. Within ten (10) calendar days after receipt of the bill for the actual costs of removal of snow, ice, dirt or other obstruction from the City, the responsible party may request an administrative hearing regarding the written notice and the bill. The request for hearing must be in writing, state the objections to the notice and the bill, and be mailed or delivered to the Director of Public Works.
 - 2. Upon receipt of the hearing request, the Director of Public Works shall forward a copy of the request to the Municipal Court Administrator for assignment to a Municipal Court judge who shall preside as an administrative hearing officer. The Municipal Court Administrator shall promptly notify the parties of the hearing date for the matter. Neither the City nor the responsible party is required to be represented by counsel, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances.

Immediately before the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the responsible party. All testimony shall be given under oath or affirmation. No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the responsible party. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. If the party requesting the hearing fails to appear, the hearing officer may enter a finding for the City.

- 3. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the responsible party was accurate, delivered to the proper party or parties, and that the bill for the actual cost of removal was supported by the City's evidence, then the hearing officer shall make a finding for the City on the bill. The responsible party may appeal the hearing officer's decision to the City Council at a regularly scheduled meeting by filing a written request with the City Clerk for appeal within five (5) days after receipt of the hearing officer's decision. The request for appeal shall specify the grounds for reversal of the hearing officer's decision. The City Council may affirm, reverse, amend or remand the matter to the hearing officer if it finds that the hearing officer's decision is not supported by substantial evidence, is arbitrary and capricious, or is not in conformance with the law.
- E. If no hearing was requested on the notice or amount assessed for removal, or if an appeal was taken and the Council affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the Coconino County Recorder, including the date, amount of the assessment, and the legal description of the property against which the assessment is made. From the date of its recording, the assessment shall be a lien on the property and shall accrue interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording of the assessment. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.

(Ord. 2001-03, Amended, 02/06/2001; Ord. 2008-31, 11/04/2008)